



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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www.newportbeachca.gov

CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT
September 26, 2013
Agenda Item No. 1

SUBJECT: South Bay Front Lot Line Adjustment - (PA2013-162)
1604 and 1610 S. Bay Front
▪ Lot Line Adjustment No. LA2013-008

APPLICANT: Brad Cosby

PLANNER: Jason Van Patten, Planning Technician
(949) 644-3234, jvanpatten@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-BI (Balboa Island)
- **General Plan:** RT (Two-Unit Residential)

PROJECT SUMMARY

A lot line adjustment application to adjust the interior boundary between two contiguous parcels. The applicant is requesting to shift the interior boundary 40 feet to the west, resulting in land taken from the 1604 South Bay Front parcel and added to the 1610 South Bay Front parcel. There will be no change in the number of parcels.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Lot Line Adjustment No. LA2013-008 (Attachment No. ZA 1).

DISCUSSION

- The applicant requests to adjust the interior lot line between contiguous parcels located within the R-BI (Balboa Island) Zoning District. The 1610 South Bay Front parcel is currently vacant. The 1604 South Bay Front parcel is currently developed with a single-unit dwelling. Properties in the vicinity are developed with single-unit and two-unit dwellings.

- The General Plan designates the subject properties as RT (Two-Unit Residential) which applies to a range of two family residential dwelling units such as duplexes and townhomes.
- Certificates of Compliance were previously recorded establishing that the 1604 South Bay Front parcel and 1610 South Bay Front parcel were legally created in compliance with the Subdivision Map Act and the City's subdivision ordinance in effect at the time of the parcel's creation.
- The proposed lot line adjustment will shift the interior boundary between two legal parcels 40 feet to the west. Land taken from the 1604 South Bay Front parcel will be added to the 1610 South Bay Front parcel.
- The existing parcel area of 1604 South Bay Front is approximately 6,800 square feet. The proposed lot line adjustment will reduce the parcel area to 3,400 square feet. The existing parcel area of 1610 South Bay Front is approximately 3,400 square feet. The proposed lot line adjustment will increase the parcel area to 6,800 square feet. The resulting net area of the proposed parcels is the same as those parcels that existed prior to the lot line adjustment.
- This minor boundary adjustment will have no impact on access to or use of the affected properties.
- The proposed parcels are not more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment, and there will be no change in allowed land uses, density, or intensity on the properties.
- As conditioned, the existing residence at 1604 South Bay Front shall be demolished or brought into conformance with applicable setbacks so that the lot line adjustment is consistent with applicable zoning regulations and does not create a nonconforming setback situation.

ENVIRONMENTAL REVIEW

The project has been reviewed and is categorically exempt under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines – Class 5.

The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment is consistent with all of the requirements of the Class 5 exemption.

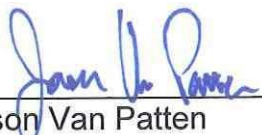
PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within 10 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Jason Van Patten
Planning Technician

JM/jvp

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Lot Line Adjustment Exhibits

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT APPLICATION NO. LA2013-008 TO ADJUST THE BOUNDARY BETWEEN TWO CONTIGUOUS PARCELS LOCATED AT 1604 AND 1610 SOUTH BAY FRONT (PA2013-162)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brad Cosby, with respect to property located at 1604 and 1610 South Bay Front, and legally described as Lots 3 and 4 and the Westerly 20 feet of Lot 5 in Block 2 of Section 5, Balboa Island in the City of Newport Beach, (Certificate of Compliance 2013-016), and Lot 6 and the Easterly 10 feet of Lot 5 in Block 2 of Section 5, Balboa Island in the City of Newport Beach (Certificate of Compliance 2013-137), respectively, requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the interior boundary between two contiguous parcels. Land taken from the 1604 South Bay Front parcel will be added to the 1610 South Bay Front parcel. There will be no change in the number of parcels.
3. The subject properties are located within the Balboa Island (R-BI) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-E).
5. A public hearing was held on September 26, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 5.
2. The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment is consistent with all of the requirements of the Class 5 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of this title.*

Facts in Support of Finding:

- A-1. The proposed lot line adjustment will not change the residential use of the lots affected, and will maintain consistency with the General Plan Land Use Designation, RT.
- A-2. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustments) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two adjacent parcels where the land taken from one parcel is added to an adjacent parcel. The original number of parcels will remain unchanged after the adjustment.
- A-3. The subdivision is consistent with the General Plan, does not negatively impact surrounding land owners in as much as it affects an interior lot line between two adjacent parcels, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.*

Facts in Support of Finding:

- B-1. The proposed lot line adjustment will shift the interior boundary between two adjacent legal parcels, taking land from the 1604 South Bay Front parcel and adding to the 1610 South Bay Front parcel. No parcels would be added or eliminated as a result of the lot line adjustment.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

- C-1. The lot line adjustment will take approximately 3,400 square feet of land from the 1604 South Bay Front parcel and add to the 1610 South Bay Front parcel. The resulting net areas of the proposed parcels which are 3,400 square feet and 6,800 square feet, respectively, remains the same as the parcels that existed prior to the lot line adjustment.
- C-2. The proposed parcels are not more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment, and there will be no change in allowed land uses, density, or intensity on the properties.
- C-3. As conditioned, the existing residence at 1604 South Bay Front shall be demolished or brought into conformance with applicable setbacks so that the lot line adjustment is consistent with applicable zoning regulations and does not create a nonconforming setback situation.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Facts in Support of Finding:

- D-1. The lot line adjustment affects the interior boundary between two adjacent parcels. Legal access to the subject properties from South Bay Front and the alley at the rear is not affected by the lot line adjustment.

Finding:

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

- E-1. The final configuration of the parcels involved will not result in the loss of direct vehicular access from the alley at the rear of each parcel.

Finding:

- F. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding:

- F-1. The final configuration of the parcels does not result in a requirement for revised setbacks since the lots are not proposed to be reoriented. The setbacks shall continue to apply to the adjusted parcels per the Zoning Code in the same way they applied to the previous parcel configuration. Therefore, the lot line adjustment does not result in the reduction of any existing setbacks.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-008 (PA2013-162), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 26TH DAY OF SEPTEMBER, 2013.

By:

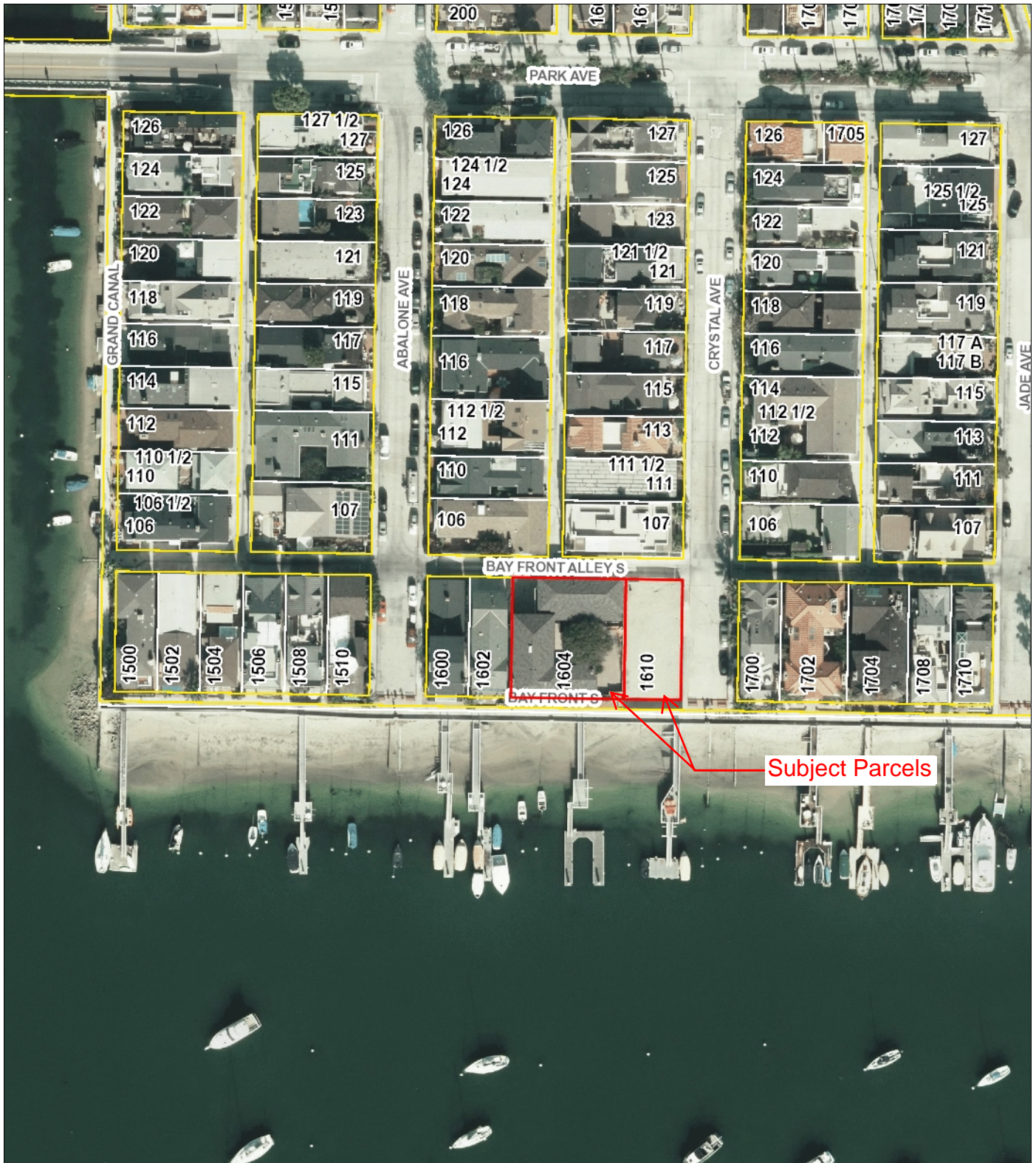
Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Prior to release for recordation of the lot line adjustment, the applicant shall obtain a building permit to demolish, or bring the existing residential structure at 1604 South Bay Front into conformance with applicable setbacks, and all work shall be completed and finalized by the Building Division.
3. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the South Bay Front Lot Line Adjustment including, but not limited to, the LA2013-008 (PA2013-162). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. ZA 2

Vicinity Map



Newport
Beach
GIS



0 100 200
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2011 photos provided by Eagle Imaging www.eagleaerial.com

8/27/2013

Attachment No. ZA 3

Lot Line Adjustment Exhibits

EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. LA _____
(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
The Bryan E, Grimm Trust dated September 28, 1992, The Melissa D, Grimm Trust dated September 28, 1992, and The Catherine C. Grimm Trust dated September 28, 1992, each as to an undivided 1/3 interest as tenants in common.	050-182-11	PARCEL 1
The Bryan E, Grimm Trust dated September 28, 1992, The Melissa D, Grimm Trust dated September 28, 1992, and The Catherine C. Grimm Trust dated September 28, 1992, each as to an undivided 1/3 interest as tenants in common.	050-182-12	PARCEL 2

PARCEL 1:

LOTS 3 AND 4 IN BLOCK 2 OF SECTION 5, BALBOA ISLAND, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8 PAGE 9 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, EXCEPTING THEREFROM EAST 20 FEET OF SAID LOT 4.

PARCEL 2:

LOTS 5 AND 6 AND THE EASTERLY 20 FEET OF LOT 4 IN BLOCK 2 OF SECTION 5, BALBOA ISLAND, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8 PAGE 9 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY.

PREPARED BY:



ROBIN B. HAMERS, RCE 31720

8/6/13

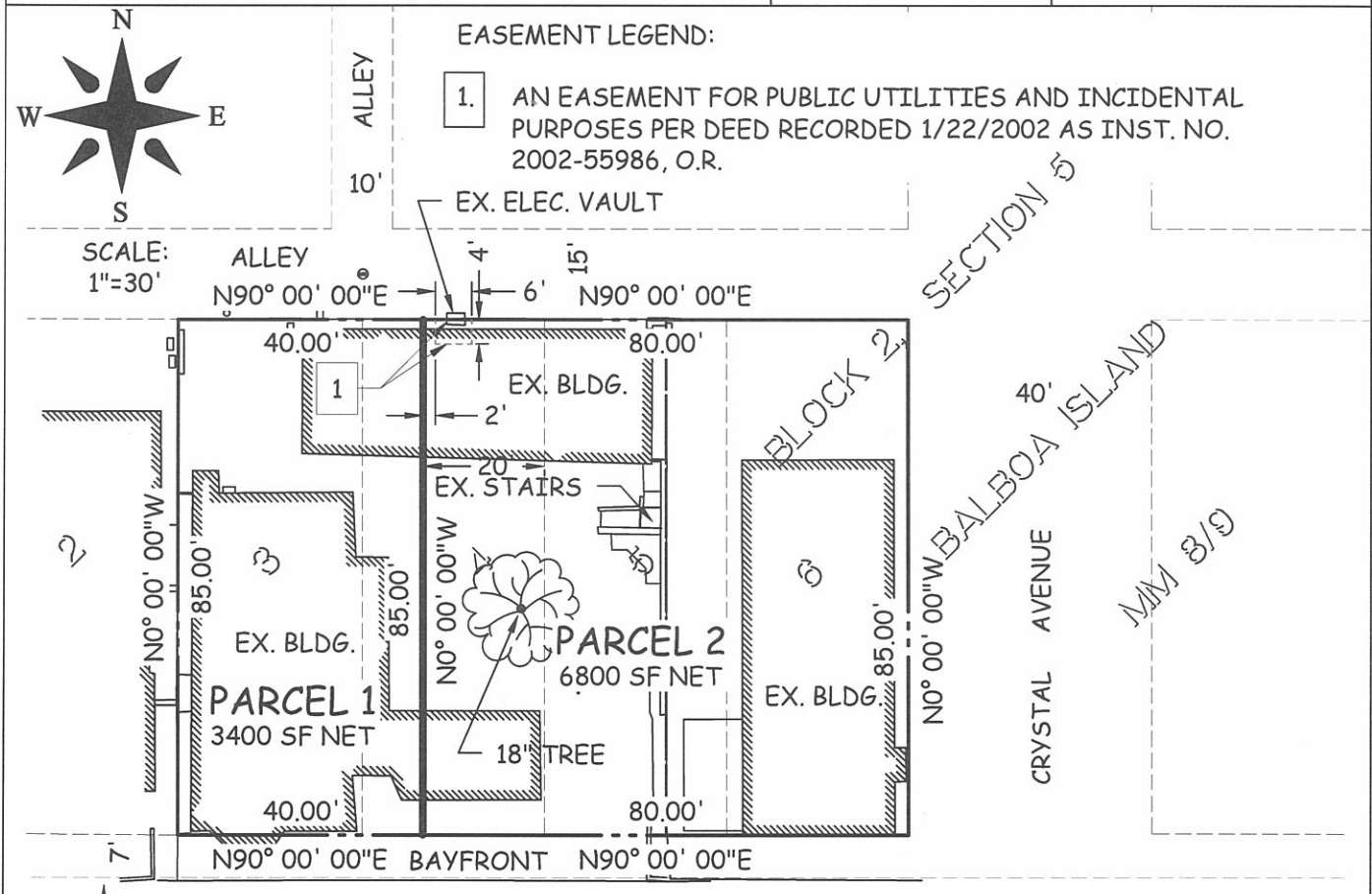
DATE



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EXHIBIT "C"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. LA _____ - _____
 (SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
The Bryan E, Grimm Trust dated September 28, 1992, The Melissa D, Grimm Trust dated September 28, 1992, and The Catherine C. Grimm Trust dated September 28, 1992, each as to an undivided 1/3 interest as tenants in common.	050-182-11	PARCEL 1
The Bryan E, Grimm Trust dated September 28, 1992, The Melissa D, Grimm Trust dated September 28, 1992, and The Catherine C. Grimm Trust dated September 28, 1992, each as to an undivided 1/3 interest as tenants in common.	050-182-12	PARCEL 2



PREPARED BY:

RH



8/6/13

ROBIN B. HAMERS, RCE 31720

DATE

LEGEND:

EX. LOT LINE TO REMAIN ————

LOT LINE TO BE MOVED ————

NEW LOT LINE ————

LOT LINE PER MM 8/9 ————

EASEMENT LINE ————

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